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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF PHARMACY
DATE AND TIME:	Wednesday, March 17, 2010 at 9:30 a.m.
PLACE:	Conference Room 1st floor, Cannon Building 861 Silver Lake Blvd., Dover, DE
APPROVED:	April 21, 2010

MEMBERS PRESENT

Sandra Robinson, R.Ph, Professional Member, President
Geoffrey N. Christ, Esq., R.Ph, Professional Member, Vice President
Sebastian Hamilton, R.Ph, Professional Member
Howard Simon, R.Ph, Professional Member
Don Holst, R.Ph, Professional Member
Joli Martini, R.Ph, Professional Member
David Bonar, Public Member
David W. Dryden, R.Ph., J.D., Executive Secretary

MEMBERS ABSENT

Michael Hertzfeld, Public Member
Carolyn Calio, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Allison Reardon, Deputy Attorney General
Nancy Fields, Administrative Specialist II
James Kaminski, R.Ph., Pharmacist Administrator

ALSO PRESENT

Lisa Schieffert
Tiffany Sorey
Gina Parilli
Sandra Guckian
Rebecca Rabbitt
Debbie Hamilton

CALL TO ORDER

Ms. Robinson called the meeting to order at 9:32 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Hamilton, seconded by Mr. Simon, to approve the minutes as amended. The motion unanimously carried.

PRESIDENT'S REPORT

Ms. Robinson attended the Delaware Pharmacist Society Board meeting on February 23, 2010 at the Levin Center in Smyrna.

Ms. Robinson attended the Regulation 14 Committee meeting on March 2, 2010 in Dover, DE.

Ms. Robinson met with Representative Carson on March 14, 2010 for a review of HB235.

Ms. Robinson met with Division Director James Collins on March 17, 2010 regarding two issues.

UNFINISHED BUSINESS

Legitimate Medical Purpose

Mr. Simon advised the Board that the language for the bill is currently in the process of being drafted.

Drug Disposal and Distribution Review

Mr. Hamilton advised that he is working with Bill Leitzinger and the Division of Public Health regarding drug disposal in addition to other organizations. Mr. Leitzinger will be speaking to the Board regarding this clean drinking water campaign. The Committee is still researching other states to see how their drug disposal programs are run.

The next Committee meeting is March 25, 2010. Staff from the Delaware Cancer Consortium, DNREC, Division of Professional Regulation, Division of Public Health (Groundwater) and the Delaware Nurses Association will be in attendance and they will be focusing on coming up with some long term solutions to this issue.

Regulation 14 Review - Administration of Injectable Medications

Mr. Holst stated that a Committee Meeting met on Tuesday, March 2, 2010 and reviewed Regulation 14. The Committee discussed workload issues, assigned tasks, and will be adding more members to assist with accomplishing the tasks that need to be done in order to update the regulations.

Prescription Monitoring Program (PMP)

Mr. Dryden advised the Board that Governor Markell is going to make the PMP program part of his legislative package this year. Delaware is following the NABP model rules, along with NASCSA and NASPAR assistance to set up the program. They are in the beginning stages of draft legislation.

Mr. Christ issued an example of a senate bill for West Virginia's PMP program, who was the first state to implement their PMP program on the internet. Delaware can possibly use it as a guide when creating its bill.

Mr. Bonar stated that the Board is doing a good job in aiding pharmacists and meeting their mission of protecting public by creating programs such as this.

Review of State of Emergency

Ms. Robinson clarified that Title 20 gives the Governor the power to include health care professionals as essential personnel in the case of a State of Emergency; however, he cannot

define who the essential personnel are. It is acceptable to the all the members if the Board changes its request for clarification to DEMA and Homeland Security instead of to the Governor.

Title 16, Section 4740 (a)(2) – Reference to License Pharmacy Technicians

Ms. Robinson read this section in Title 16, Chapter 47, section 4730 (a)(2), which is the Uniform Controlled Substance Act, which refers to the sale of pseudoephedrine or ephedrine by licensed pharmacists, sales clerks, and licensed pharmacy technicians. Because Delaware chose not to license pharmacy technicians, the Board needs to request a Statute cleanup to change this section.

A motion was made by Mr. Bonar, seconded by Mr. Christ, to instruct the President and Executive Secretary of the Board to go to the General Assembly, to initiate cleanup language that may or may not affect Pharmacist personnel, to remove the word “licensed.” The motion unanimously carried.

NEW BUSINESS

Pharmacist-In-Charge (PIC) Interviews

Mr. Simon conducted the PIC interviews for Gina Parilli who is employed by Target.

Ratification of Pharmacist Licenses

A motion was made by Mr. Hamilton seconded by Mr. Bonar, to ratify the licensure for the following individuals:

Ravi S. Pappu
Rebecca Marshall
Debashish Roy
Mahen C. Patel
Sisay Gebrekidan

The motion was unanimously carried.

Pharmacist Application Reviews

There were no applications for the Board to review.

Pharmacist Consultant Interviews

There were no consultant interviews.

Findley College of Pharmacy Immunization Program Review

Findley College submitted a request to approval of their Immunization Program to the Board.

After receiving testimony from Mr. Dryden that this program covered all areas required, a motion was made by Mr. Christ, seconded by Ms. Martini, to approve the program as it is in compliance with Regulation 14. The motion unanimously carried.

ICPT/ExCPT Review of Technician Training Program

Mr. Dryden reviewed the Technician Training Program submitted and made a recommendation to the Board to approve this program.

A motion was made by Mr. Hamilton, seconded by Mr. Christ, to approve the technician training program. The motion unanimously carried. Mr. Dryden will send the correspondence.

Regulation 17 Review

A motion was made by Mr. Hamilton, seconded by Mr. Simon, to add Regulation 17 review to the agenda. The motion unanimously carried.

Ms. Reardon stated that Regulation 17 is regarding crimes substantially related to the practice of pharmacy. Ms. Reardon stated that when the original list was completed the Board had moral character as a ground to deny licensure and discipline. The moral character language was removed from the Board's statute. She suggested that the Board may also want to revisit the substantially related crimes list in the regulations in the near future to see if any improvements need to be made.

The Board formed a new Committee to further discuss and work on Regulation 17. The Committee consists of Mr. Christ as Chair, Ms. Robinson, Mr. Simon, Ms. Reardon, and Mr. Dryden.

Committee Reports

Joint Practice Committee – Don Holst and Howard Simon – There was no report.

Physician's Assistant Report – Sebastian Hamilton, R.Ph: - Mr. Hamilton advised that the council met on Tuesday, March 2, 2010. The council approved one new application for licensure, six applications for controlled prescriptive authority, and zero applications for non-controlled prescriptive authority. The council also discussed NCPA's proposed changes to the certification maintenance process. The next meeting is scheduled for Tuesday, April 6, 2010.

Newsletter – Sandy Robinson, R. Ph., David Dryden, R.Ph., J.D, and Joli Martini, R. Ph.: Ms. Robinson reminded everyone that the Board's website was permanently put on the header of the newsletter.

Legislative – Sandy Robinson, R.Ph, Howard Simon, R.Ph, Sebastian Hamilton, R.Ph, Don Holst, R.Ph, Geoffrey Christ, R.Ph., Esq., and David Dryden, R.Ph., J.D.:

Ms. Robinson met with Senator Carson to discuss changes to Senate Bill 235. The bill was scheduled to come up in committee but was changed.

Continuing Education – Sandy Robinson, R. Ph., Michael Hertzfeld, Geoffrey Christ, R.Ph., Esq., and Joli Martini, R. Ph.: No report.

Consumer Affairs – Carolyn Calio, Michael Hertzfeld, and David Bonar: No report.

Professional Liaison – Sandra Robinson, R.Ph. and Don Holst, R.Ph: Ms. Robinson attended the Delaware Pharmacists Society Board (DPS) meeting on February 23, 2010. The Division of Aging is planning to renew the contract for the Medication Therapy Management Program. This is the 8th year for DPS perform the diabetic screenings.

A tentative list of the DPS Convention continuing education courses was provided to the Board members. The Convention is May 12, 13, and 14, 2010. A list of awards presented at the convention was also distributed that includes the criteria for nominations.

The next meeting will be held on March 23, 2010 at the Levin Center in Smyrna.

A program entitled “Rethinking Schizophrenia Management: Exploring a Once-Monthly Medication” will be held at the Sheraton Hotel in Dover on March 17, 2010 at 6:00 p.m.

MPJE Study Committee – Don Holst, R.Ph, Sebastian Hamilton, R.Ph, and James

Kaminski: Mr. Hamilton and Mr. Kaminski will be going to NABP headquarters in Illinois soon for a meeting regarding the MPJE exam. NABP requires the Delaware Board to submit 25 new questions. The Board members are once again being asked to submit sample questions to Mr. Kaminski by the April 16, 2010 deadline.

They will also be revising the list on the website for the MPJE study guide, which will be sent out to the Board members prior to a meeting for Board approval.

Controlled Substance Liaisons – Geoffrey Christ, Howard Simon, and Dave Dryden:

Mr. Dryden advised that the Division of Professional Regulation is going to take the lead on the tamper proof pad program.

Mr. Simon advised that the Regulatory Committee met and the meeting went well. They received information from the DEA regarding the intent of dual IDs. He suggested putting an article in the newsletter. The Committee will be establishing a Statute Committee in addition to the Regulatory Committee.

Board Correspondence

Mr. Dryden read a memo from NABP regarding the FPGECE exam, which stated that the Test of English as a Foreign Language™ (TOEFL®) Internet-based Test (iBT) will be the sole English language proficiency examination accepted for new candidates seeking FPGECE Certification. Score reports from the paper-based TOEFL and the Test of Spoken English™ (TSE®) will no longer be accepted for all new FPGECE candidates as of this date.

Inspection Report

Inspections were conducted at three pharmacies, five Controlled Substance Authority's with one audit conducted, two clinics, one hospital and one distributor.

When deficiencies are found during the inspection process and audits are not acceptable, the office requires written responses from the pharmacist-in-charge (PIC) or notifies the facility a re-inspection will occur. There are five outstanding requests for a response at present. Three facilities are on hold for re-inspection.

Mr. Kaminski discussed § 2502 and §2523 in the Statute and 7.0 in the Rules and Regulations for Non-pharmacy Outlets Handling Legend Veterinary Drugs with the Board and advised that inspections are being conducted in the veterinarian stores at this time.

Other Business before the Board

Mr. Hamilton commended Mr. Dryden and Mr. Bruce DiVincenzo on all of their hard work on the drug disposals thus far, and that everyone should be consistent with the information given to the Pharmacists and the Consumers.

Public Comments

Mr. Bill Leitzinger, from the Delaware Division of Public Health, Office of Drinking Water, spoke with the Board about their clean water campaign. This is a campaign to make citizens aware of the dangers of drugs in drinking water. People are strongly encouraged not to flush their unwanted drugs even though that is what they were originally advised. They would like to come up with a way to alert Pharmacists to encourage their patients of drug drop-off programs. Employers, schools, physicians, and all health care facilities and providers will be notified. Information may be put out on the captain's alert system.

Ms. Debbie Hamilton of PHARMA, advised that they are issuing a flyer that recommends not flushing and offers other alternatives to flushing.

Ms. Rebecca Rabbitt, of ICPT, asked if the Board approved both their Technician Certification program and examination.

Mr. James Collins, Division Director, wanted to make the Board aware of a few things. Legislation is forth coming on the PMP program. He informed everyone that the PMP program was going to be under the Office of Controlled Substances, which is a part of the Division of Professional Regulation. There has been dialogue with trade organizations and they are working out the technical details.

Mr. Dryden and Mr. Kaminiski advised the Board that MedRx is asking to add over 150 - 200 new items to their box. Regulation 11.3.3 requires Board approval for medications of 60 items in a box. They recommended that the Board assign a Committee to review the proposed list. Ms. Robinson, Ms. Martini, Mr. Kaminski, and Mr. Dryden volunteered to be in the review group and stay after the meeting to review the information.

Next Scheduled Meeting

The next meeting is scheduled for April 21, 2010 in Conference Room A. A regulatory hearing is scheduled.

Adjournment

A motion was made by Mr. Bonar seconded by Mr. Christ, to adjourn the meeting. The motion unanimously carried. The meeting adjourned at 11:00 a.m.

Respectfully submitted,



Nancy Fields
Administrative Specialist II